

ASSEMBLY BILL

No. 2173

Introduced by Assembly Member Beall

February 19, 2010

An act to add Section 76000.10 to the Government Code, relating to emergency services, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2173, as introduced, Beall. Emergency air medical transportation providers: penalty levy: reimbursement augmentation.

Existing law requires an additional county penalty of \$7 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, for deposit into specified county funds relating to the construction of courthouses, criminal justice facilities, and forensic laboratories, and the support of emergency medical services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions.

This bill, which is to be known as the Emergency Air Medical Transportation Act, would impose, as specified, an additional penalty of \$3 upon every conviction for an offense involving a vehicle violation, except certain parking offenses. This bill would require each county board of supervisors to establish in the county treasury an emergency air medical transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill would require, on the last day of each calendar quarter of the year, the county treasurer to

transfer moneys in the county's emergency air medical transportation act fund to the Controller for deposit to the Emergency Air Medical Transportation Act Fund, which is created by the bill. This fund would be continuously appropriated to the department solely for the purposes of augmenting Medi-Cal reimbursement paid to emergency air medical transportation services providers.

The bill would require the department to use the moneys in the Emergency Air Medical Transportation Act Fund and federal matching funds to increase the Medi-Cal reimbursement or supplemental payments for emergency air medical transportation services in an amount not to exceed normal and customary charges charged by the emergency air ambulance transportation services provider.

By requiring counties to create emergency air medical transportation act funds and then deposit the levy imposed by this bill into those funds, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Air ambulance services provide life saving emergency
- 4 transportation of the most critical patients from automobile accident
- 5 scenes directly to trauma centers. The vast majority of helicopter
- 6 scene responses are motor vehicle related.
- 7 (b) Many of these transports originate in rural areas where
- 8 ground transportation is prolonged. In some instances, however,
- 9 air transportation may be needed in urban areas where traffic
- 10 congestion inhibits rapid transportation.
- 11 (c) Air ambulance services providers transport all emergency
- 12 patients without knowing if the patient has any form of medical
- 13 insurance or ability to pay for the service.

1 (d) Many emergency room patients transported by air
2 ambulances have no insurance and no ability to pay for the service,
3 but these patients are given the same high level of care as those
4 with medical insurance.

5 (e) Unlike the hospitals where air ambulance services providers
6 deliver patients, air ambulance services providers are not eligible
7 to apply for additional federal funding for providing services to
8 high numbers of indigent patients pursuant to California's
9 disproportionate share hospital (DSH) program under the Medi-Cal
10 program.

11 (f) Unlike the hospitals and emergency physicians who treat the
12 patients after they are delivered by helicopter, air ambulance
13 services providers do not receive payment from the county Maddy
14 Emergency Medical Services Fund when they provide treatment
15 to an indigent patient.

16 (g) Emergency air ambulance services providers provide
17 coverage to multiple counties within a 100-mile radius of their
18 bases, and, as a result, often their transports originate in a county
19 other than where they are based, which makes it virtually
20 impossible for them to be funded by local tax support except in
21 the largest of counties.

22 (h) The Medi-Cal program reimburses air ambulance services
23 providers far below what it costs the providers to provide
24 emergency air transportation and pays nothing if the patient is
25 indigent and not eligible for Medi-Cal. The Medi-Cal
26 reimbursement rates for air ambulances have not increased in over
27 15 years.

28 (i) Currently fines and penalties on traffic violations total
29 between one hundred eight dollars (\$108) and nineteen-thousand
30 dollars (\$19,000), inclusive. Some of the fine and penalty money
31 is already collected by county courts and transferred to the state.

32 (j) A small additional penalty of three dollars (\$3) per traffic
33 violation would result in a very small percentage increase on each
34 penalty on traffic violations, but the money collected from the
35 penalty would go to support air ambulance services, which are the
36 most critical services that support patients who are injured as a
37 result of a major collision.

38 (k) Air ambulance services play a key role in the statewide
39 emergency medical services system, including disaster response

1 and homeland security, so it is important for California to support
2 these vital services.

3 SEC. 2. Section 76000.10 is added to the Government Code,
4 to read:

5 76000.10. (a) This section shall be known, and may be cited,
6 as the Emergency Air Medical Transportation Act.

7 (b) (1) For the purpose of implementing this section, a penalty
8 of three dollars (\$3) shall be imposed upon every conviction for
9 a violation of the Vehicle Code or a local ordinance adopted
10 pursuant to the Vehicle Code, except parking offenses subject to
11 Article 3 (commencing with Section 40200) of Chapter 1 of
12 Division 17 of the Vehicle Code.

13 (2) The penalty described in this subdivision shall be in addition
14 to the state penalty assessed pursuant to Section 1464 of the Penal
15 Code. However, this penalty shall not be included in the base fine
16 used to calculate the state penalty assessment pursuant to
17 subdivision (a) of Section 1464 of the Penal Code, the state
18 surcharge levied pursuant to Section 1465.7 of the Penal Code,
19 and to calculate the other additional penalties levied pursuant to
20 this chapter.

21 (c) The county board of supervisors shall establish in the county
22 treasury an emergency air medical transportation act fund into
23 which shall be deposited the moneys collected pursuant to this
24 section. Moneys in each county's fund, including interest and
25 dividends earned thereon, shall be held by the county treasurer
26 separate from funds subject to transfer or division pursuant to
27 Section 1463 of the Penal Code.

28 (d) (1) On the last day of each calendar quarter of the year, the
29 county treasurer shall transfer moneys in the county's emergency
30 air medical transportation act fund to the Controller for deposit to
31 the Emergency Air Medical Transportation Act Fund, which is
32 hereby established in the State Treasury. Notwithstanding Section
33 16305.7, the Emergency Air Medical Transportation Act Fund
34 shall include interest and dividends earned on money in the fund.

35 (2) The Emergency Air Medical Transportation Act Fund shall
36 be administered by the State Department of Health Care Services.
37 Notwithstanding Section 13340, moneys in the Emergency Air
38 Medical Transportation Act Fund are continuously appropriated,
39 without regard to fiscal year, to the department to augment

1 emergency air medical transportation reimbursement payments
2 made through the Medi-Cal program.

3 (3) The department shall seek to obtain federal matching funds
4 by using the moneys in the Emergency Air Medical Transportation
5 Act Fund for the purpose of augmenting Medi-Cal reimbursement
6 paid to emergency air medical transportation services providers.

7 (4) The department shall use the moneys in the Emergency Air
8 Medical Transportation Act Fund and federal matching funds to
9 increase the Medi-Cal reimbursement or supplemental payments
10 for emergency air medical transportation services in an amount
11 not to exceed normal and customary charges charged by the
12 emergency air ambulance transportation services provider.

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.